

28

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
DETROIT DIVISION

ROY A. DAY,
Plaintiff

VS.

ONSTAR, LLC,
KENT BRODSHO,
SHERIFF CHAD CHRONISTER,
Defendants

Case:2:19-cv-10922
Judge: Berg, Terrence G.
MJ: Stafford, Elizabeth A.
Filed: 03-28-2019 At 04:41 PM
CMP DAY v ONSTAR, LLC, ET AL (dat)

RE: NOTE - THIS DOCUMENT IS PRINTED ON THE FRONT AND BACK OF THE PAPER¹

COMPLAINT

COMES NOW, ROY A. DAY, Plaintiff, complaining of Defendants, and for cause of action would show unto the Court the following:

COUNT ONE

1. Plaintiff, ROY A. DAY, is a citizen of the United States of America and a resident of the State of Florida.

2. Defendant is OnStar, LLC (hereafter, Defendant "OS") is a State of Michigan Corporation, with its principal place of business in Detroit, Michigan. Defendant "OS" is a subscription-based communication carrier, including but not limited to, GPS tracking, and

¹ **PLEASE NOTE: Pursuant to the Federal Paper Reduction Act, and the Federal, and the various States, Environmental Protection Acts, this document is printed on the front and back of the paper.**

is a subsidiary of General Motors Company, and is engaged in the business of in-vehicle security, emergency services, hands-free calling, turn-by-turn navigation, and remote diagnostics systems in the various States across the United States, and in various Nations. At all times pertinent to this Complaint, and at all times mentioned, Defendant "OS" was acting through its principal agents and servants, General Motors Company, and Defendant Kent Brodsho, and various agents, and servants, and co-conspirators, and employees, of Defendant "OS," including but not limited to, Defendant "Kent Brodsho," and various agents, and servants, and co-conspirators, and employees, whose names are not known to Plaintiff at this stage of litigation. Defendant "OS" was acting individually and in concert, with each and all agents, and servants, and co-conspirators, and employees, including but not limited to, Defendant Kent Brodsho. CAVEAT: For the purpose of the instant complaint, Defendant "OS" refers, relates, pertains and mentions each and all subsidiaries and affiliates, and agents, and servants, and co-conspirators, and employees, whose names are not known to Plaintiff at this stage of litigation.

3. Defendant is Kent Brodsho, Director of Retail Sales (hereafter, Defendant "KB") for Defendant "OS." At all times pertinent to this Complaint, Defendant "KB," was employed by Defendant "OS" as the Director of Retail Sales, with his legal residence and domicile in the State of Michigan. In doing the acts and things hereinafter set forth, Defendant "KB" was acting individually and in concert with Defendant "OS," and its various subsidiaries and affiliates, and agents, and servants, and co-conspirators, and employees, in Defendant "KB's" capacity as Director of Retail Sales for Defendant "OS." Each and all acts of Defendant "KB," set forth herein were done by Defendant "KB," acting individually and in concert under pretense and by virtue of, and under the authority of, Defendant "KB's" office as Director of Retail Sales for Defendant "OS," and its various subsidiaries and affiliates, and agents, and servants, and co-conspirators, and employees, and its various subsidiaries and affiliates, and agents, and servants, and co-conspirators, and employees, to conspire

with Defendant "SCC" and the Hillsborough County Sheriff's Department to illegally search and seize "data" on Plaintiff's 2016 Spark 1LT vehicle.

4. Defendant Sheriff Chad Chronister (hereafter, Defendant "SCC") now is, and at all time herein mentioned was, duly appointed, and/or elected, employed, and acting as a Sheriff of Hillsborough County, in the State of Florida, and was the "**principal co-conspirator**," and agents, and servants, and co-conspirators, and employees, (whose names are not known to Plaintiff at this stage of litigation) in the illegal search and seizure of "data" on Defendant "OS's" "GPS Tracking" network in reference to Plaintiff's 2016 Chevrolet Spark 1LT (VIN: KL8CD6SA5GC563413) (hereafter, "Plaintiff's vehicle"). Each and all of the acts of Defendant "SCC" set forth herein were done by him acting individually and in concert, under the pretense of the statutes, ordinances, regulations, customs, and usages of the State of Florida, and the County of Hillsborough, and by virtue of, and under the authority of, his office as a Sheriff for Hillsborough County, Florida. Each and all of the acts of Defendant "SCC" set forth herein were done by him, in a willful, intentional, malicious, wanton and corrupt manner. Further, each and all of the acts of Defendant "SCC" set forth herein were done by him, acting individually and in concert, with agents, and servants, and co-conspirators, and employees, of the Hillsborough County Sheriff's Department, and the State of Florida, in a willful, intentional, malicious, wanton and corrupt manner. See Exhibit "2" attached hereto and by reference incorporated herein – Notice to Sue.

5. In effecting the unlawful conduct complained of hereinafter, the aforesaid Defendants acted in concert and conspiracy with other persons or individuals, whose names and identities are not at this time known to Plaintiff, which said persons are hereafter referred to as agents, and servants, and co-conspirators, and employees, of Defendant OnStar, LLC, and Defendant Kent Brosho, and Defendant Sheriff Chad Chronister.

6. At all times pertinent to this Complaint, Defendant Chad Chronister was the "PRINCIPAL CO-CONSPIRATOR," and acting in concert and conspiracy with the aforesaid Defendants, and agents, and servants, and co-conspirators, and employees of the Hillsborough County Sheriff's Office, and Defendant OnStar, LLC, and Defendant Kent Brodsho.

7. This action arises under the United States Constitution, particularly under the provisions of the Fourth Amendment to the Constitution of the United States, and for an order declaring unconstitutional the discriminatory acts of Defendants, and for money damages to redress the injury caused to Plaintiff by the unconstitutional acts of Defendants. Further, this is a civil action brought for preliminary and permanent injunctions to prevent deprivations under color of Federal Law of certain rights, privileges, and immunities secured to Plaintiff by the Constitution of the United States.

8. This is an action for declaratory judgment pursuant to 28 USC 2201, for the purpose of determining a question of actual controversy between the parties as hereinafter more fully appears. The jurisdiction of this court is invoked pursuant to the United States Code reflecting citizens of different States, and for money damages exceeding the damages required for jurisdiction.

9. The controversy between the parties pertains to the constitutionality of the complicit conduct of Defendants to illegally search and seize Plaintiff's "data" on Plaintiff's vehicle by using the "GPS" "tracking" device on Plaintiff's vehicle as associated with Defendant OnStar's network. Declaratory Judgment, and the associated damages, are sought declaring the actions of Defendants taken under color of state law invalid, illegal, and in deprivation to Plaintiff's rights, privileges, and immunities, secured to him by the Fourth Amendment to the United States Constitution. This is a civil action for the violation of Plaintiff's Constitutional rights, and a civil action brought for preliminary and permanent injunctions to prevent deprivations under color of Federal Law of certain rights, privileges,

and immunities secured to Plaintiff by the Constitution of the United States, for an order declaring unconstitutional the discriminatory acts of Defendants, and for money damages to redress the injury caused to Plaintiff by the unconstitutional acts of Defendants. This action arises under the United States Constitution, particularly under the provisions of the Fourth Amendment to the Constitution of the United States, and for an order declaring unconstitutional the discriminatory acts of Defendants, and for money damages to redress the injury caused to Plaintiff by the unconstitutional acts of Defendants.

10. Defendant Sheriff Chad Chronister, and Defendant OnStar, LLC, and Defendant Kent Brodsho, and their agents, and servants, and co-conspirators, and employees, confected and devised, carried out, a **PREMEDITATED AND PREARRANGED** plan, scheme and practice which operated to deny Plaintiff his "basic rights, and Constitutional rights, and subsequently, steal "data" on Plaintiff's vehicle using Defendant OnStar's "GPS" 'tracking" system to follow the "location" of Plaintiff's vehicle," with the first overlay to subject Plaintiff to harassing, threatening, intimidating, hostile, and dangerous environment, at Plaintiff's "morning exercise location" (a female ... fat ... was sent to entrap and harass Plaintiff, and a fat and ... male to harass and entrap Plaintiff – all at the TAXPAYERS' expense and cost); subsequently, Plaintiff was subjected to the aforesaid harassing and threatening behavior at Plaintiff's Sunday morning "nirvana park location" (four separate occasions: (a) ... walked around Plaintiff's table; (b) ... walked by on side walk; (c) ... walked by a ... by table; (d) ... hid in parking lot at ... but Plaintiff saw him hiding), with the second overlay to libel and slander Plaintiff, and subject Plaintiff to "character assassination," to Plaintiff's business associates, and friends. The aforesaid Defendant's **PREMEDITATED AND PREARRANGED** plan, scheme and practice operated as follows:

11. Plaintiff's normal mode of operation at seventy-two years of age involves exercising each morning, and then proceeding to the library to write computer programs in "R-

computer language,” and “Python-computer language,” “LISP” programming language, “Standard ML” programming language, and “Transact-SQL computer language” as associated with SQL Server, and “C++ computer language,” with the overlay of writing computer programs for the legacy computer language known as FORTRAN, and COBOL (this was the first computer language Plaintiff learned at “LSU” in the 1960’s, and surprisingly, businesses this use this legacy computer language). With Plaintiff making a daily appearance at libraries to write computer programs, Plaintiff has ascertained that libraries in the year A.D. 2019 have become “DUMPING GROUNDS, and “PLAYPENS, and “PENNY ARCADES,” and “FOOD EMPORIUMS,” and “GAMBLING CASINOS,” and a “ZOO,” for the “homeless crowd,” and the “drug-addict crowd,” and the “drug-dealer crowd,” and the “digital-moron crowd,” and the “derelict-crowd,” and the “alcoholic-crowd,” and the “casino-gamblers crowd,” and the “criminal-element crowd,” etc. (the list is long – hereafter, the aforesaid crowd is designated as the “evil-criminal-crowd”). The aforesaid “evil-criminal-crowd” has turned the libraries into a “LOITERING-CESSPOOL-TAXPAYER-BLACKHOLE-SINKHOLE-RIP-OFF” (“LCTBHSHRO”), with the overlay the “evil-criminal-crowd” run and control the libraries, with the libraries staff “catering” and “babysitting” to the “evil-criminal-crowd.” NOTE: There are libraries that are “exceptions,” but those libraries will be destroyed in the near future, as the “LCTBHSHRO” are being “bussed-in” to destroy the said library. DONT BE DUPED TAXPAYERS – YOU ARE BEING ROBBED AND RAPED AS TAXPAYERS! WAKE-UP! WAKE-UP!

12. The library is a place for **KNOWLEDGE and EDUCATION**, and NOT a DUMPING GROUND for the homeless, and the drug addicts, etc. (“evil-criminal-crowd”). **CAVEAT:** THE LIBRARIES IN THE YEAR A.D. 2019 ARE NO LONGER A PLACE FOR **EDUCATION AND KNOWLEDGE**, BUT A DUMPING GROUND FOR THE HOMELESS, THE DRUG ADDICTS, DRUG DEALERS, ETC. **WAKE-UP TAXPAYERS!** Most libraries in the various cities, and counties, and States, in the United States, have a “Library Code of Conduct,” but the library

staff ignore the "Library Code of Conduct." The "Librarians," and the library staff, have become complicit with the "evil-criminal-crowd," with the Librarians, and staff, "babysitting" and "catering" to the "evil-criminal-crowd," solely for the purpose to justify a government employee paycheck, and to have "cunning, misleading, and deceptive" (fraud) reasons to claim the library is a useful entity of government, when in fact, the libraries are no longer useful for **EDUCATION and KNOWLEDGE**, and have "morphed" into "LCTBHSHRO," and "DUMPING GROUNDS" at the TAXPAYERS expense, solely for the purpose for government employees to receive a government employee paycheck! LIBRARIES ARE NOW VERY DANGEROUS PLACES WITH LEO'S (law enforcement officers) BEING PLACED IN THE LIBRARIES! WAKE-UP TAXPAYERS! TAXPAYERS, YOU (TAXPAYERS) ARE NOW PAYING DOUBLE (LIBRARY STAFF, AND NOW, LEO'S) THE COST AND EXPENSE TO MAINTAIN THE LIBRARY AND THE PC'S (Personal Computers), ETC. WAKE-UP TAXPAYERS! Plaintiff has constantly complained to the Librarians, and staff, to enforce the Library Code of Conduct, with Plaintiff informing the Librarian, and staff, that Plaintiff will inform the patrons (including the "evil-criminal-crowd") that the patron ("evil-criminal-crowd") is violating the Library Code of Conduct. The Librarians, and staff, refused to enforce the Library Code of Conduct, and Plaintiff did inform patrons ("evil-criminal-crowd") they were violating the Library Code of Conduct. The "evil-criminal-crowd" sit at the "personal computers" (hereafter, "PC") for hours playing computer games, casino gambling game, viewing x-rated websites, sending emails, chatting, etc., all at the **TAXPAYERS EXPENSE** (TAXPAYERS, WAKE-UP – THE LIBRARIES ARE WASTING THE TAXPAYERS' MONEY BY PERMITTING THE "PCs" TO BE IN A LIBRARY, SINCE THE PC's ARE NOT BEING USED FOR **EDUCATION AND KNOWLEDGE**!. TAXPAYERS, YOU MUST REMOVE ALL PC's IMMEDIATELY! It is not the taxpayers' **burden and obligation** to pay for the "PC's" for the "evil-criminal-crowd." Subsequently, with constantly complaining that the TAXPAYERS were being robbed and raped, and the PC's and "evil-criminal-crowd" must be removed, Plaintiff

was removed from the library, or trespassed, and NOT the “evil-criminal-crowd.” The Librarian, and staff, always used, “trumped-up,” and “cunning, misleading, and deceptive” (fraud) reasons to remove Plaintiff, or trespass Plaintiff, that avoided the real reason when Plaintiff was removed from the respective library.

13. The aforesaid “general-laconic” facts in paragraph “12,” supra, (legal-discovery will provide a full and complete set of specific and controlling facts), provide a milieu on Plaintiff, and libraries, and how the request to track Plaintiff’s vehicle using Defendant OnStar’s “GPS” tracking device was a “covert-criminal-operation” orchestrated by Defendant SCC,” and his agents, servants, co-conspirators, and employees. Defendants in the instant COUNT used Defendant OnStar’s “tracking-GPS” network to access Plaintiff’s “data” as associated with Plaintiff vehicle location so Defendants’ agents, servants, co-conspirators, and employees could subject Plaintiff (**NOTE: ALL AT THE TAXPAYERS EXPENSE AND COST – WAKE-UP TAXPAYERS**) to a harassing, threatening, intimidating, hostile, and dangerous environment at Plaintiff’s “morning exercise location,” and at Plaintiff’s Sunday morning “nirvana park location” (**NOTE: ALL AT THE TAXPAYERS EXPENSE AND COST – WAKE-UP TAXPAYERS**), with the overlay to use the illegally obtained “data” to libel and slander Plaintiff, and subject Plaintiff to “character assassination,” to Plaintiff’s business associates, and friends. (NOTE: FOR A FULL AND COMPLETE SET OF FACTS ON THE AFORESAID “morning exercise location” and “nirvana park location,” “legal-discovery will provide all the details)

14. HOT OFF THE PRESS: Carpenter v. United States, No. 16-402, Supreme Court of the United States, Decided June 22, 2018 (October Term, 2017). It is not proper to include the aforesaid cite, but Plaintiff will take the liberty to place the cite at this stage of litigation. Defendant “SCC,” and his agents, servants, co-conspirators, and employees, “solicited” and “obtained” Defendant “OS,” and its agents, servants, co-conspirators, and employees, and

Defendant "KB," to use the GPS tracking device on "Plaintiff's vehicle," even though the facts did not warrant such a course of illegal conduct.

15. Defendant "SCC," and Defendant "SCC's" agents, and servants, and co-conspirators, and employees, and Defendant "OS," and Defendant "OS's" agents, and servants, and co-conspirators, and employees, and Defendant "KB," had full and complete knowledge that the elements pertaining to the use of a "tracking" "GPS" device were not met pertaining to Plaintiff's vehicle, and no probable cause existed, but Defendants was orchestrating the "**covert-criminal-operation**" to ensure Plaintiff was "**railroaded**" pertaining to the "Bait-and-Switch" "Race-Card" "Shill-Scam" (hereafter, "BASRCSS") ("legal-discovery will provide a full and complete set of facts and evidence on the "BASRCSS") at the Austin Davis Library in Hillsborough County, Florida. Defendants, subsequently, used the illegal search and seizure on Plaintiff's vehicle in an attempt to **setup and entrap** Plaintiff on a "trumped-up" fraudulent charge, but Defendants failed again! Plaintiff made the record clear and certain and full and satisfactory with a letter to Defendant KB" (See Exhibit "1" attached hereto and by reference incorporated herein). **TAKE JUDICIAL NOTICE**: Defendant "KB," on three separate occasions, received a copy of Exhibit "1" and Defendant "KB" refused and continued to refuse to answer and deny the facts and issues in Exhibit "1" on three separate occasions.

16. The aforesaid Defendant "OS's" "GPS" "tracking" device to obtain Plaintiff's "data" on Plaintiff's vehicle "location," was obtained solely for the purpose so Defendant "SCC, and his agents, servants, co-conspirators, and employees, could harass, intimidate, threaten Plaintiff, and place Plaintiff in a dangerous, and hostile environment, as orchestrated by Defendants, and Defendants' agents, and servants, and co-conspirators, and employees. Such a course constitutes a violation of Plaintiff's right to be secure in his persons, houses, papers, and effects, against unreasonable searches and seizes, violating the Fourth Amendment to the Constitution of the United States, and deprived Plaintiff of the following

rights, privileges and immunities secured to Plaintiff, by the Constitution and Laws of the United States:

A. The right of Plaintiff not to be deprived of unreasonable searches and seizures, and to be secure in his persons, houses, papers, and effects, secured by the Fourth Amendment to the Constitution of the United States.

17. In doing the acts and things above complained of, Defendants, and Defendants' agents and servants and co-conspirators, and employees, were engaged in a **PREMEDITATED AND PREARRANGED** scheme and conspiracy designed and intended to deny and deprive Plaintiff of rights guaranteed to Plaintiff under the Constitution and Laws of the United States, as hereinabove enumerated, solely for the purpose to protect the government employees from the "failed" "**BASRCSS**" (legal-discovery will provide a full set of facts and evidence on the "BASRCSS").

18. Plaintiff has been denied reasonable searches and seizures, due to the harassing, intimidating, dangerous, threatening and hostile environment established by Defendants, and Defendants' agents, and servants, and co-conspirators, and employees. Defendants' course of illegal conduct resulted in a loss to Plaintiff in the SUM CERTAIN of One Hundred Thousand Dollar (\$100,000.00) and tolling (legal-discovery will place the damages-evidence on the face of the record).

19. As a further proximate result of Defendants, and Defendants' agents and servants and co-conspirators, **PREMEDITATED AND PREARRANGED** scheme and conspiracy throughout the occurrences described above in paragraphs "5" through "17," and as a direct and proximate result of Defendants, and Defendants' agents and servants and co-conspirators, and employees, **PREMEDITATED AND PREARRANGED** willful, intentional, wanton and malicious actions, Plaintiff has suffered great mental pain and suffering with fright, chagrin, embarrassment, anger, nausea, nightmares, difficulty sleeping and his social life destroyed in the SUM of One Hundred Thousand Dollars (\$100,000.00), and will

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continue to suffer (Plaintiff's "expert witness" as associated with the trial by jury, and "legal-discovery" will provide the true and correct evidence with the proper foundation).

20. The wrong done by Defendants, and Defendants' agents and servants and co-conspirators, and employees, were aggravated by that kind of willfulness, wantonness and malice for which the law allows the imposition of exemplary damages. Plaintiff shows that an award of substantial exemplary damages would serve not only to deter these Defendants from again engaging in the aforesaid actions, but it would also serve as a warning or deterrent to others similarly situated. Accordingly, Plaintiff hereby sues for exemplary damages in the SUM of Five Million Dollars (\$5,000,000.00).

21. Money damages, however, cannot remedy the irreparable harm done by the Defendants', and Defendants' agents and servants and co-conspirators, and employees, course of conduct to deny Plaintiff a reasonable search and seizure, in direct violation of Plaintiff's civil rights secured by the Constitution and Laws of the United States, since Defendants' course of illegal conduct against Plaintiff resulted in Defendants "tearing-up" the Constitution and Laws of the United States into scrap paper, and subsequently, attempting to deny Plaintiff the right to reasonable searches and seizures. No adequate remedy exists at law for redress of those deprivations, which continue to occur and will occur in the future unless enjoined by this court.

22. Due to the aforesaid facts, supra, no other adequate remedy exists at law for redress of the course of illegal conduct by Defendants, and Defendants' agents and servants and co-conspirators, and employees, against Plaintiff, and which continue to occur and will occur in the future, unless this court permits Plaintiff to have immediate "ACCESS" to this Court to obtain relief from Defendants, and Defendants' agents and servants and co-conspirators, and employees, with the overlay to have this Court issue an order directing Defendants to cease and desist illegal searches and seizures using Defendant "OS's" "GPS" "tracking" device on Plaintiff's vehicle, inter alia.

WHEREFORE, PREMISES CONSIDERED, Plaintiff, demands that the following relief be granted:

a. Setting a prompt hearing for a preliminary injunction wherein Defendants shall show cause why they, and those in active concert or participation with them or any of them, should not be enjoined during pendency of this action from continuing to deny Plaintiff reasonable searches and seizures; setting a prompt hearing for a preliminary injunction wherein Defendants shall show cause why they, and those in active concert or participation with them or any of them, should not be enjoined during pendency of this action from continuing to deny Plaintiff his rights; setting a prompt hearing for a preliminary injunction wherein Defendants shall show cause why they, and those in active concert or participation with them or any of them, should not be enjoined during pendency of this action from continuing to use Defendant "OS's" "GPS" tracking device on Plaintiff's vehicle to provide Plaintiff's "data" in reference to the location of Plaintiff's vehicle, and enjoined from using Plaintiff's "data" to "TRUMP-UP" a criminal charge against Plaintiff in an attempt to conceal and cover-up the "failed" **"BASRCSS" ("legal-discovery will provide each and all facts and evidence on "BASRCSS")**; setting a prompt hearing for a preliminary injunction wherein Defendants shall show cause why they, and those in active concert or participation with them or any of them, should not be enjoined during pendency of this action from continuing to perform illegal searches and seizures on Plaintiff's vehicle without without probable cause; setting a prompt hearing for a preliminary injunction wherein Defendants shall show cause why they, and those in active concert or participation with them or any of them, should not be enjoined during pendency of this action from continuing to deny Plaintiff his basic rights and Constitutional rights.

b. Issuing a permanent injunction restraining Defendants from continuing to proceed to deny Plaintiff reasonable searches and seizures, and privacy; issuing a permanent injunction restraining Defendants from continuing to perform illegal searches and seizures

on Plaintiff's vehicle without probable cause; issuing a permanent injunction restraining Defendants from continuing to deny Plaintiff his basic rights and Constitutional rights.

c. Declare that Defendants have violated Plaintiff's Fourth Amendment rights by harassing, intimidating, threatening Plaintiff, and subjecting Plaintiff to a hostile and dangerous environment, and subjecting Plaintiff to an "illegal search and seizure" by denying Plaintiff his basic rights and Constitutional rights; declare that Defendants have violated Plaintiff's Fourth Amendment rights by engaging in illegal searches and seizures of Plaintiff's property ("data") and Plaintiff's self; declare that Defendants have violated Plaintiff's Fourth Amendment rights by denying Plaintiff the right to a reasonable search and seizure, and attempting to glean Plaintiff's personal and private matters, so Defendants can disseminate libel and slander to Plaintiff's family, friends and associates.

d. Granting Plaintiff judgment against Defendants, and each of them, jointly and severally, for compensatory damages in the amount of One Hundred Thousand (\$100,000.00) with interest at the lawful rate until paid; that Plaintiff have and recover on that judgment at the rate of twenty percent (20%) per annum until paid.

e. Granting Plaintiff judgment against Defendants, and each of them, jointly and severally, pursuant to mental pain and suffering damages, in the SUM of One Hundred Thousand Dollars (\$100,000.00), with interest at the lawful rate until judgment; that Plaintiff have and recover interest on that judgment at the rate of twenty percent (20%) per annum until paid.

f. Granting Plaintiff judgment against Defendants, and each of them, jointly and severally, for exemplary damages in the amount of Five Million Dollars (\$5,000,000.00); that Plaintiff have and recover interest on that judgment at the rate of twenty percent (20%) per annum until paid.

g. Awarding Plaintiff cost and reasonable attorneys' fees ("litigating fees" at Plaintiff customary fee of \$1,200.00/hour – science, legal, health, computer) or, in the alternative,

time and money spent to prepare, file and present this lawsuit for the reasonable costs and expenses of this action, and in the event of appeal to the Court of Appeals, and the Supreme Court of the United States, Plaintiff have and recover additional attorneys' fees and reasonable cost and expense of that action.

h. Granting Plaintiff such other and further relief as may be just.

COUNT TWO

23. For judicial economy, Plaintiff repeats and realleges paragraphs one through six, and ten through fifteen, and eighteen through twenty, as if the aforesaid paragraphs were expressly stated herein, with the exception Plaintiff adds the words "**cunning, misleading, and deceptive conduct**" for the aforesaid paragraphs as associated with the illegal search and seizure of Plaintiff's vehicle.

24. This is a civil action brought for fraud, and for money damages to redress the injury caused to Plaintiff by the course of fraudulent conduct by Defendants, and for an order declaring the acts of Defendants as illegal.

25. The jurisdiction of this court is invoked pursuant to the Defendants "OS," and Defendant "KB," having their legal residence and domicile in the State of Michigan, and the money damages meet the requirements for jurisdiction.

26. As associated with the facts in paragraph "23," Plaintiff extrapolates the facts to reflect the "**cunning, misleading, and deceptive**" (fraud) conduct orchestrated by Defendant SCC," and his agents, servants, co-conspirators, and employees, to "solicit" and "obtain" Defendant "OS," and their agents, servants, co-conspirators, and employees,

including but not limited to, Defendant KB,” to obtain Plaintiff’s “data” on Plaintiff’s vehicle pertaining to specific locations of Plaintiff’s vehicle without probable cause, when in fact, the purpose of the “cunning, misleading, and deceptive” conduct to obtain Plaintiff’s “data” for Plaintiff’s vehicle, was solely for the purpose to (**NOTE: ALL AT THE TAXPAYERS EXPENSE AND COST – WAKE-UP TAXPAYERS**) to a harassing, threatening, intimidating, hostile, and dangerous environment at Plaintiff’s “morning exercise location,” and at Plaintiff’s Sunday morning “nirvana park location” (**NOTE: ALL AT THE TAXPAYERS EXPENSE AND COST – WAKE-UP TAXPAYERS**), with the overlay to use the illegally obtained “data” to libel and slander Plaintiff, and subject Plaintiff to “character assassination,” to Plaintiff’s business associates, and friends. (NOTE: FOR A FULL AND COMPLETE SET OF FACTS ON THE AFORESAID “morning exercise location” and “nirvana park location,” “legal-discovery” will provide the full set of facts and evidence.)

27. Defendant “SCC,” and Defendant “SCC’s” agents, and servants, and co-conspirators, and employees, and Defendant “OS,” and Defendant “OS’s” agents, and servants, and co-conspirators, and employees, and Defendant “KB,” had full and complete knowledge that the elements pertaining to the use of a “tracking” “GPS” device were not met pertaining to Plaintiff’s vehicle, and no probable cause existed, but Defendants were orchestrating the “cunning, misleading, and deceptive” “**covert-criminal-operation**” to ensure Plaintiff was “**railroaded**” pertaining to the “**FAILED**” “**CUNNING, MISLEADING, AND DECEPTIVE**” “Bait-and-Switch” “Race-Card” “Shill-Scam” (hereafter, “BASRCSS”) (“legal-discovery” will provide a FULL AND COMPLETE SET OF FACTS AND EVIDENCE ON THE “BASRCSS”) at the Austin Davis Library in Hillsborough County, Florida. Further, Defendant “SCC,” and Defendant “SCC’s” agents, and servants, and co-conspirators, and employees, and Defendant “OS,” and Defendant “OS’s” agents, and servants, and co-conspirators, and employees, and Defendant “KB,” were co-conspirators OF Hillsborough County employees to “**CUNNING, MISLEADING, AND DECEPTIVELY**” **conceal and cover-**

up the "**BASRCSS**," since Plaintiff was able to expose the fraudulent (CUNNING, MISLEADING, AND DECEPTIVE) scam being orchestrated against Plaintiff at the Austin Davis Library, which failed to produce the "cunning, misleading, and deceptive" (fraudulent) results to remove Plaintiff from the Austin Davis library. (NOTE: From February 1, 2017 through April 18, 2018, the Librarian, and staff, were seeking a fraudulent excuse to remove Plaintiff because (Gadfly-Taxpayer, Plaintiff, attempted to force and coerce the Library staff to enforce the Library Code of Conduct, and to have the PC's (personal computers) removed since the PC's were used to view casino gambling websites, x-rated websites, computer games, etc., and that bothered the staff – it is a problem at all the libraries, since the "evil-criminal-crowd" have taken-over the libraries). Defendants, subsequently, used the "cunning, misleading, and deceptive" (fraudulent) search and seizure on Plaintiff's vehicle to setup and entrap Plaintiff on a "trumped-up" fraudulent charge, but Defendants failed again! Legal-discovery will provide a full and complete set of facts and evidence on the scam to remove Plaintiff from the library.

WHEREFORE, PREMISES CONSIDERED, Plaintiff, demands that the following relief be granted:

- a. Plaintiff repeats and realleges paragraphs "d" through "g," in the "prayer" in COUNT ONE, as if the aforesaid "prayer" was expressly stated herein.
- b. Declare that Defendants have engaged in the **fraud of the first order** by "cunningly, misleadingly, and deceptively" obtaining Plaintiff's "data" on Plaintiff's vehicle so Defendants could harass, threaten, intimidate, Plaintiff, and subject Plaintiff to a hostile and dangerous environment at Plaintiff's "morning exercise location," and at Plaintiff's Sunday morning "nirvana park location"
(NOTE: ALL AT THE TAXPAYERS EXPENSE AND COST – WAKE-UP TAXPAYERS), with the overlay to use the "cunning, misleading, and deceptive"

obtained "data" to libel and slander Plaintiff, and subject Plaintiff to "character assassination," to Plaintiff's business associates, and friends.

c. Granting Plaintiff such other and further relief as may be just.

REQUEST FOR A TRIAL BY JURY

Plaintiff Roy A. Day in the above-entitled and numbered matter demands a trial by jury of all issues so triable in said matter on the grounds that it is entitled to such trial by virtue of having complied with all requisites of the Federal Rules of Civil Procedure, and there exists in this case an adequate and complete remedy at law.

Respectfully submitted,


/s/ Roy A. Day

Roy A. Day
P.O. Box 33
Tarpon Springs, Florida
USA 34688-0033

BY: /s/ Roy A. Day (I.D. NO. ???-??-2452)

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NOTE: Filed using USPS; Electronic Filing applied for with PACER as a Pro Se litigant

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INDEX:

EXHIBIT "1" - Letter to Defendant Kent Brodshow's letter
EXHIBIT "2" - Notice to Sue

CAVEAT: FOR THE PURPOSE OF THE INSTANT COMPLAINT, WHEN THE "DEFENDANTS" ARE REFERENCED IN THE INSTANT COMPLAINT, IT REFERS, RELATES, PERTAINS, AND MENTIONS "AGENTS, AND SERVANTS, AND CO-CONSPIRATORS, AND EMPLOYEES, SUBSIDIARIES, AFFILIATES, THEREOF."

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
DETROIT DIVISION

ROY A. DAY,
Plaintiffs

VS.

C.A.

ONSTAR, LLC,
Defendants

STATE OF FLORIDA

COUNTY OF PINELLAS

BEFORE ME, the undersigned authority, on this day personally appeared Roy A. Day, who being by me duly sworn on his oath deposed and said that he is the Plaintiff in the above-entitled action, that he has read Plaintiff's Complaint and that every statement therein is within his personal knowledge true and correct.


/s/ Roy A. Day

Roy A. Day

I declare under penalty of perjury that the foregoing Complaint is true and correct, and I understand that a false statement in this declaration will subject me to penalties for perjury. NOTE: This declaration complies with the State of Michigan Statutes for Perjury, and 28 USC 1746, in lieu of an affidavit - Plaintiff is a pauper and cannot afford to pay another notary public to sign this form. Plaintiff is appearing as a citizen-attorney, and such a course has the same weight of evidence as an affidavit.

Executed this 27th day of March, 2019.


/s/ Roy A. Day

Roy A. Day

Roy A. Day
P.O. Box 33
Tarpon Springs, Florida
USA 34688-0033

June 7, 2018

Mr. Kent Brodsho, Director – Retail Sales
OnStar, LLC
400 Renaissance Center
Detroit, Michigan 48243

RE: Hillsborough County Sheriff using OnStar, LLC, services to tract the location
of the 2016 Spark LT (VIN: KL8CD6SA5GC563413)

RE: NOTE - THIS DOCUMENT IS PRINTED ON THE FRONT AND BACK OF THE PAPER¹

Dear Mr. Brodsho:

IF AN AGENT OR SERVANT OF MR. BRODSHO IS READING THIS LETTER, YOU ARE TO CEASE AND DESIST READING THIS LETTER, AND GIVE TO MR. BRODSHO, AND MR. BRODSHO ONLY. THANK YOU.

LACONIC FACTS: Upon information and belief, it appears the Hillsborough County Sheriff's Department "**solicited and obtained**" OnStar, LLC, services to track Roy A. Day's Spark 1LT "location." Subsequently, the Hillsborough County Sheriff's Department harassed Roy A. Day using the aforesaid "GPS" tracking location. You (Mr. Kent Brodsho) are to state in a written response, without "falsehoods," that OnStar, LLC, has provided tracking information to the Hillsborough County Sheriff's Department that relates, pertains, mentions, or refers to the 2016 Spark 1LT (VIN: KL8CD6SA5GC563413). **CAVEAT:** PLACE IN WRITTEN LANGUAGE, USING SPECIFIC AND DIRECT LANGUAGE AND WORDS, AND WITHOUT FALSEHOODS, THAT THE HILLSBOROUGH COUNTY SHERIFF'S DEPARTMENT STATED TO ONSTAR, LLC (INCLUDING BUT NOT LIMITED TO, EMPLOYEES, CO-CONSPIRATORS, AGENTS, AND SERVANTS) TO STATE FALSEHOODS TO ROY A. DAY IF ROY A. DAY ASK IF THE 02016 1LT SPARK "GPS" LOCATION WAS BEING PROVIDED TO THE HILLSBOROUGH COUNTY SHERIFF'S DEPARTMENT.

¹ PLEASE NOTE: Pursuant to the Federal Paper Reduction Act, and the Federal, and the various States, Environmental Protection Acts, this document is printed on the front and back of the paper.

(B208 24)


(EXHIBIT "1")

Mr. Kent Brodsho
June 7, 2018
Page 2 of 3

NOTE: SEND AN IMMEDIATE RESPONSE TO MY FAX NUMBER (206-4951708), AND TO MY EMAIL ADDRESS (royaday@hotmail.com). Subsequently, send a written response to my P.O. Box 33, Tarpon Springs, Florida 34688-0033 address.

Thank you for your cooperation and assistance in this matter.

Very truly yours,



/s/ Roy A. Day

Roy A. Day

RAD/rr

(P.21 of 24)

(EX. "7")

Mr. Kent Brodsho
June 7, 2018
Page 3 of 3

CONTACT INFORMATION:

ROY A. DAY
P.O. BOX 33
TARPON SPRINGS, FLORIDA
USA 34688-0033

VOICE: (PRIMARY: 727-6428636) (SECONDARY: Private number – upon request only)

(TERTIARY: ONSTAR telephone vehicle number: upon request only)

FAX, and VOICE: 206-4951708

FIRST COMMUNICATION OF CHOICE – MMS (MULTIMEDIA MESSAGE SERVICE)

MOBILE – MMS – MULTIMEDIA MESSAGE – SEND TO: 7276428636

*** **FROM DESKTOP-EMAIL – SEND TO:** 7276428636@mms.att.net ***

NOTE: You can send graphics, and audio, as well as text.

SECOND COMMUNICATION OF CHOICE – SMS (SHORT MESSAGE SERVICE)

MOBILE – SMS – TEXT MESSAGE – SEND TO: 7276428636

*** **FROM DESKTOP-EMAIL – SEND TO:** 7276428636@txt.att.net ***

EMAIL ADDRESS and MOBILE Pocket PC address: royaday@hotmail.com

EMAIL ADDRESS and MOBILE Pocket PC address:

royaday@alumni.lsu.edu

**** (LSU TIGERS: 2007 FOOTBALL NATIONAL CHAMPIONS) ****

EMAIL ADDRESS and MOBILE Pocket PC address: royaday@gmail.com

EMAIL ADDRESS – RUSSIA – and MOBILE Pocket PC address: royaday@mail.ru

WEB SITE: http://www.royaday.com

(EMAIL ADDRESS: rad@royaday.com)

ROY A. DAY'S "DRONE-TARGET-PACKAGE-DELIVERY-ADDRESS-LOCATION" ("DTPDAL"):

(A) (DECIMAL DEGREES: LATITUDE: 28.143° NORTH; LONGITUDE: -82.7425° WEST);

(B) (MINUTES AND SECONDS DEGREES: LATITUDE: 28-08"35' NORTH; LONGITUDE: 082-44"33' WEST).

(P22 of 24)

(EXHIBIT "I")

Roy A. Day
P.O. Box 33
Tarpon Springs, Florida
USA 34688-0033

May 9, 2018

Mr. Mike Merrill, County Administrator
County Center, 26th Floor
601 East Kennedy Boulevard
Tampa, Florida 33602

Mr. Andrew Breidenbaugh, Director of Library Services
Tampa Hillsborough Public Library
102 East 7th Avenue
Tampa, Florida 33602

Sheriff Chad Chronister
Hillsborough County Sheriff's Office
2008 East 8th Avenue
Tampa, Florida 33605

RE: NOTICE TO SUE

RE: **NOTE - THIS DOCUMENT IS PRINTED ON THE FRONT AND BACK OF THE PAPER!**

TO: MR. MIKE MERRILL

I apologize taking your time on this matter, but I will not let these ... engage in this egregious conduct (it is not the first time they engaged in this illegal conduct, but this time they got caught). If "true and correct" management was present in the Austin Davis library, none of this would have transpired! IT IS A MANAGEMENT ISSUE! Mr. Breidenbaugh holds a large portion of the wrongdoing for permitting the incompetent management in the Austin Davis library. Under your leadership, this pattern of illegal conduct has been transpiring without a check-and-balance system!

Pursuant to each and all Federal and State Statutes that you are to receive notice of pending legal action (a Notice To Sue), please be advised that a Complaint (involving Federal and State Constitutional violations, etc.) will be filed against Hillsborough County, and associated employees, inter alia.

PLEASE NOTE: Pursuant to the Federal Paper Reduction Act, and the Federal, and the various States, Environmental Protection Acts, this document is printed on the front and back of the paper.

Mr. Mike Merrill
May 9, 2018
Page 2 of 4

NOTE: An informal Notice to Sue was provided to Sheriff Chad Chronister (hand-delivered to District III office, 7202 Gunn Highway, Tampa, Florida 33621), along with "Lacomic Facts" on the illegal conduct orchestrated by the Austin Davis library staff, and their co-conspirators. The following items were also attached: Exhibit "1" - USB Flash drive; Exhibit "2" - First Page of the Class action Complaint.

A copy of the aforesaid "Lacomic Facts" (Amended form - EXHIBIT "A") is attached, and an Amended First "3" Pages of the Complaint (Amended - EXHIBIT "B") is attached. Sheriff Chronister was provided a USB Flash drive of the "principal co-conspirator" DEFENDANT "JAL-TM-RBW": "Joser At Life - Troublemaker - Race Bait White" (who solicited and obtained the Hillsborough County employees to execute the illegal conduct [NOTE: The Hillsborough County employees were seeking a fraudulent excuse to remove Plaintiff because Plaintiff is a "Class Act," and that bothers any library staff, since they only prefer drug addicts, alcoholics, homeless ..., food and drink in the libraries, and the list is long]). If one confronts and reprimands the aforesaid drug addicts, etc., trash and garbage, the library staff attacks the person complaining on the trash and garbage, and then trumps-up charges to have them removed! The Complaint will speak for itself THE TAXPAYERS HAVE GOT TO WAKE-UP! From January-February 2017 to April 26, 2018, the library staff NEVER, NEVER, NEVER ask Plaintiff Roy A. Day one single question on the "race-card-scram," as orchestrated by DEFENDANT "JAL-TM-RBW": "Joser At Life - Troublemaker - Race Bait White"! IT IS ALWAYS A MANAGEMENT ISSUE - Defendant "Carol" and Defendant "Tracy" in the Austin Davis library are incompetent, and useless, and worthless, as managers! The present and future belong to technology!

TO: SHERIFF CHAD CHRONISTER - While the information and facts are still fresh in Deputy Johnson's cerebrum, have Deputy N. Johnson (No. 2443-C) write a full and complete "descriptive-fact-summary-sheet" on or before May 11, 2018 pertaining to the events that transpired on April 18, 2018 at the Austin Davis library in reference to Plaintiff Roy A. Day, including, but not limited to, each and all statements made by the Branch Manager ("Carol"), and each and all statements made by other persons present who spoke with Deputy Johnson, including but not limited to, Plaintiff Roy A. Day. **CAVEAT:** If on the witness stand before the ladies and gentlemen of the jury Deputy Johnson says he cannot recall, then his actions will speak for themselves based on the instant letter. **NOTE:** Deputy Naylor stated to Plaintiff that Deputy Johnson did not write a report on the events pertaining to April 18, 2018 at the Austin Davis library (obviously to conceal and cover-up the orchestrated scam against Plaintiff).

TO: SHERIFF CHAD CHRONISTER - While the information and facts are still fresh in Deputy Naylor's cerebrum, have Deputy Naylor write a full and complete "descriptive-fact-summary-sheet" on or before May 11, 2018 pertaining to the events that transpired on April 26, 2018 at the Austin Davis library in reference to Plaintiff Roy A. Day, including, but not limited to, each and all statements made by the Librarian "Tracy," and each and all statements made by other persons present that spoke with Deputy Naylor on April 26, 2018, including but not limited to, Plaintiff Roy A. Day. **CAVEAT:** If on the witness stand before the ladies and gentlemen of the jury Deputy Naylor says he cannot recall, then his actions will speak for themselves based on the instant letter. **NOTE:** On the date of the instant letter, Plaintiff has not obtained a report written by Deputy Naylor pursuant to the April 26, 2018 events at the Austin Davis library. Plaintiff was denied a reason for the removal. Legal discovery will determine if the report was a

(P.23 of 24)

(EXHIBIT "A")

Mr. Mike Merrill
May 9, 2018
Page 3 of 4

fraudulent report.

This race-bait-scam has obviously been orchestrated against numerous citizens at the TAXPAYERS' expense. These people need to be exposed to the public so the public can be aware of their scams, and the waste of TAXPAYERS' MONIES!

I am always able and willing to compromise and settle before I file the Complaint, but once the Complaint is filed, the action goes to a trial by jury on the illegal conduct. Any response should be sent to my email address (royaday@hotmail.com). I prefer email over "snail-mail" (dinosaur mail).

CAVEAT: You, Mr. Mike Merrill, are to save each and all security videos in the Austin Davis library pursuant to the dates and time indicated on the attached Exhibit "A," and place each and all of the aforesaid videos in your possession and control and legal authority. **CAVEAT:** If the videos are destroyed or damaged, then the obstruction of justice and tampering with evidence will speak for itself! **ACKNOWLEDGE** (Respond and Reply to: royaday@hotmail.com, and P.O. Box 33, Tarpon Springs, Florida 34688-0033) THAT THE SAID VIDEOS ARE BEING PLACED IN YOUR POSSESSION AND CONTROL AND THE SAID VIDEOS WILL NOT BE DESTROYED!

NOTE: Provide a copy of the instant letter letter (NOTICE TO SUE) to Mr. Andrew Breidenbaugh, and Sheriff Chad Chronister, and all legally constituted Hillsborough County employees who are legally qualified to receive this notice, including but not limited to, the Hillsborough County Commissioners.

Thank you for your cooperation and assistance in this matter.

Very truly yours,


/s/ Roy A. Day

Roy A. Day

RAD/TT
Enclosure - Exhibit "A": Amended "Laconic Facts"
Exhibit "B": Amended First "3" Pages of Complaint

(P. 24 of 24)

Mr. Mike Merrill
May 9, 2018
Page 4 of 4

CONTACT INFORMATION:

ROY A. DAY
P.O. BOX 33
TARPON SPRINGS, FLORIDA
USA 34688-0033

VOICE: (PRIMARY: 727-6428636) (SECONDARY: Private number - upon request only)

(TERTIARY: ONSTAR telephone vehicle number: upon request only)

FAX, and VOICE: 206-4951708

FIRST COMMUNICATION OF CHOICE - MMS (MULTIMEDIA MESSAGE SERVICE)

MOBILE - MMS - MULTIMEDIA MESSAGE - SEND TO: 7276428636

***** FROM DESKTOP-EMAIL - SEND TO: 7276428636@mms.att.net *****

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EMAIL ADDRESS and MOBILE Pocket PC address: royaday@hotmail.com

EMAIL ADDRESS and MOBILE Pocket PC address:

royaday@alumini.lsu.edu

****** (LSU TIGERS: 2007 FOOTBALL NATIONAL CHAMPIONS) ******

EMAIL ADDRESS and MOBILE Pocket PC address: royaday@gmail.com

EMAIL ADDRESS - RUSSIA - and MOBILE Pocket PC address: royaday@mail.ru

WEB SITE: <http://www.royaday.com>

(EMAIL ADDRESS: rad@royaday.com)

ROY A. DAY'S "DRONE-TARGET-PACKAGE-DELIVERY-ADDRESS-LOCATION" ("DTDPAL"):

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(B) (MINUTES AND SECONDS DEGREES: LATITUDE: 28-08'35" NORTH; LONGITUDE: 082-44'33" WEST).

(EX. 24)

JS 44 (Rev. 06/17)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement provided by local rules of court. This form, approved by the Judicial Conference of the United States, is for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

Case: 2:19-cv-10922 Judge: Berg, Terrence G.

MJ: Stafford, Elizabeth A.

Filed: 03-28-2019 At 04:41 PM

CMP DAY v ONSTAR, LLC, ET AL (dat)

I. (a) PLAINTIFFS

ROYA. DAY

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

PINELLAS
FLORIDA

(c) Attorneys (Firm Name, Address, and Telephone Number)

ROYA. DAY TEL. 727-6428636
P.O. BOX 33
TARPON SPRINGS, FLORIDA 34688-0033

DEFENDANTS

ONSTAR, LLC, ET AL.

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

WAYNE
MICHIGAN

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

UNKNOWN

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party) (TWO)
- ☐ 2 U.S. Government Defendant
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input checked="" type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes	

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

FOURTH AMENDMENT - U.S. CONSTITUTION

Brief description of cause:

ILLEGAL SEIZURE OF "DATA"

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

3-24-19

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

ROY A. JAY
P.O. BOX 33
TARBON SPRINGS, FLORIDA
USA 34688-0033

U.S. POSTAGE
\$1.60
FIRST CLASS PERMIT NO. 23
TARBON SPRINGS, FL
956 250
956 1140/956



3/25/19

MR. DAVID J. WEAVER, CLERK
OFFICE OF THE CLERK
UNITED STATES DISTRICT COURT
THEODORE LEVAN U.S. COURTHOUSE
231 W. LAFAYETTE BLVD., ROOM 584
DETROIT, MICHIGAN 48226

RECEIVED
MAR 28 2019
CLERK'S OFFICE
U.S. DISTRICT COURT

Rec'd
OAC

Roy A. Day
P.O. Box 33
Tarpon Springs, Florida
USA 34688-0033

March 27, 2019

Mr. David J. Weaver, Clerk
Office of the Clerk
United States District Court
Theodore Levin U.S. Courthouse
231 W. Lafayette Blvd., Room 564
Detroit, Michigan 48226

Case:2:19-cv-10922
Judge: Berg, Terrence G.
MJ: Stafford, Elizabeth A.
Filed: 03-28-2019 At 04:41 PM
CMP DAY v ONSTAR, LLC, ET AL (dat)

RE: New Complaint; Roy A. Day vs. OnStar, LLC, et al.

RE: NOTE - THIS DOCUMENT IS PRINTED ON THE FRONT AND BACK OF THE PAPER¹

NOTE 1: I want to file everything "electronically using PACER (ONLY to file pleadings – NO copies and searches). I have provided the Application to File Electronically in the enclosed mailing. Since your system is not part of the PACER NextGen system, I was not able to file the "Non-Attorney E-file Registration" form on PACER. I did not have any problems registering with the "Non-Attorney E-file Registration" with other courts that are part of the NextGen system. Thank you.

Enclosed please find Plaintiff's Complaint (NOTE: As a "paper filing" so I can file electronically), and Plaintiff's Application to Proceed in District Court Without Prepaying Fees and Cost, and the Application for Litigant to File Electronically, and Civil Cover Sheet. Kindly upon your filing of these pleadings, affix your file stamp to the letter indicating date and time of filing and return to the undersigned in the self-addressed and stamped envelope, with a "civil action number" assigned to the said case (**NOTE**: Please send the civil action number via email: royaday@hotmail.com, and NOT USPS; in the alternative: Send via FAX to: 206-4951708). Thank you.

I am proceeding in a forma pauperis mode and cannot afford to provide additional copies. Please accept this complaint pursuant to judicial economy.

NOTE 1: I am listed with PACER and will sign the necessary forms to file pleadings electronically. I prefer all digital format, and NOT "snail-mail" (USPS). Accordingly, WOULD YOU PLEASE SEND THE CIVIL ACTION NUMBER VIA EMAIL (royaday@hotmail.com) SO I CAN MOVE THE CASE FORWARD (in the alternative: please telephone the civil action number to me at 727-6428636) (in the alternative: please fax the civil action number to me at 206-4951708).

¹ PLEASE NOTE: Pursuant to the Federal Paper Reduction Act, and the Federal, and the various States, Environmental Protection Acts, this document is printed on the front and back of the paper.

Mr. David J. Weaver, Clerk
March 27, 2019
Page 2 of 2

NOTE 2: I prefer email over snail-mail. Accordingly, please send an email indicating receipt of the enclosed pleadings (EMAIL: royaday@hotmail.com). YOU CAN SEND ALL CORRESPONDENCE VIA EMAIL WITH ATTACHMENTS. Please get me listed for electronic filing. Thank you.

Thank you for your cooperation and assistance in this matter.

Very truly yours,


/s/ Roy A. Day
Roy A. Day

RAD/rr

Enclosures: Complaint (Exhibit "1" and "2"), Civil Cover Sheet, Application to File Electronically,
Application to Proceed Without Prepayment of Fees, and Costs.

CONTACT INFORMATION:

ROY A. DAY
P.O. BOX 33
TARPON SPRINGS, FLORIDA
USA 34688-0033

VOICE: (PRIMARY: 727-6428636)

FAX, and VOICE: 206-4951708

TEXT MESSAGE : 727-6428636

EMAIL ADDRESS and MOBILE Pocket PC address: royaday@hotmail.com
